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Administration of justice at the United Nations

Administration of justice in the Secretariat: implementation of resolution 59/283

Report of the Secretary-General**

Summary

The present report is submitted to inform the General Assembly of the action taken by the Secretary-General to implement the decisions and requests contained in resolution 59/283.

The report focuses specifically on measures taken to implement the decisions and requests contained in sections I and III of resolution 59/283, including those undertaken to implement the recommendations contained in the report of the Office of Internal Oversight Services on the management review of the appeals process at the United Nations (A/59/408).

Measures taken by the Office of the Ombudsman to implement the decisions and requests contained in section II of resolution 59/283 are the subject of separate reports by the Secretary-General to the General Assembly.

In section IV of resolution 59/283, the General Assembly decided that the Secretary-General should form a panel of external and independent experts to consider redesigning the system of administration of justice. The Redesign Panel on the United Nations system of administration of justice was established. On 20 July 2006 the Panel presented its report to the Secretary-General, who transmitted the report to the General Assembly (see A/61/205). Pursuant to the request of the General Assembly, the Secretary-General will submit his comments on that report to the Assembly at the resumed part of its sixty-first session.

* A/61/150.
** Submission of the present document was delayed owing to extensive consultations.

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I. Introduction

A. Genesis and purpose of the report

1. By its resolution 59/283, the General Assembly requested the Secretary-General to implement a series of measures aimed at improving the process of the administration of justice at the United Nations. The measures detailed therein were categorized into four areas:

(a) Cross-cutting issues: general guidelines;

(b) The informal mechanism of administration of justice;

(c) The formal mechanisms of administration of justice;

(d) Review of the internal justice system.

2. The purpose of the present report is to inform the General Assembly of action taken by the Secretary-General to implement the decisions and requests contained in resolution 59/283.

B. Structure and scope of the report

3. Section II of the present report details action taken to implement measures related to cross-cutting issues — general guidelines. Information on the implementation of measures pertaining to the informal system of justice are provided in a separate report by the Secretary-General concerning the activities of the Ombudsman (see A/60/376 and an additional report is being prepared by the Office of the Ombudsman). Section III below focuses on the implementation of measures relative to the improvement of the formal mechanisms of administration of justice.

4. In section IV of resolution 59/283, the General Assembly decided that the Secretary-General should form a panel of external and independent experts to consider redesigning the system of administration of justice. The terms of reference of the panel directed that it propose a model for a new system for resolving staff grievances. The Secretary-General implemented that decision, and the Redesign Panel began its work on 1 February 2006. On 20 July 2006, the Panel presented a report to the Secretary-General, who transmitted it to the General Assembly (see A/61/205).

5. In paragraph 52 of resolution 59/283, the General Assembly further requested the Secretary-General to submit comments on the recommendations of the Redesign Panel, along with the estimate of time and resources needed for their implementation. Those comments will be the subject of a separate report which will be submitted to the General Assembly at the resumed part of its sixty-first session.

6. The improvement of the current system of justice is a work in progress. In view of the comprehensive terms of reference of the Redesign Panel for the implementation of the measures set out in resolution 59/283, which included the review of the system of justice in its entirety, care has been taken not to prejudge the outcome of the work of the Panel.

II. Cross-cutting issues

7. *In paragraphs 3 to 17 of resolution 59/283*, the General Assembly considered a number of cross-cutting issues and specified measures to be taken in order to strengthen the entire system of administration of justice in the Secretariat. Those issues included the following: (a) time limits; (b) the appearance of conflict of interest in formulating decisions on appeals; (c) training of all staff involved in the system of administration of justice; (d) increasing staff participation in the Joint Appeals Board ("jury system"); and (e) the financial liability of managers. In paragraph 15, the General Assembly further requested the Secretary-General to expeditiously implement, subject to the provisions of the same resolution, the recommendations contained in the report of the Office of Internal Oversight Services (OIOS) concerning management review of the appeals process at the United Nations (A/59/408).

8. Information is provided below on progress made with respect to each of the issues specified in paragraph 7 above and the implementation of the cross-cutting recommendations contained in the above-mentioned OIOS report.

A. Time limits

9. In paragraph 16 of resolution 59/283, the General Assembly decided that the time limits recommended by OIOS in its report would be mandatory within the appeals process once adequate capacity is in place, and no later than 1 January 2006.

10. In its report, OIOS made two recommendations in that respect:

(a) Recommendation 1, "Adopt the time lines for the appeals process set out in annex III of the OIOS report, reflecting both existing procedural deadlines and new deadlines suggested by OIOS. Direct the secretariats of the Joint Appeals Board to amend their rules of procedure accordingly";

(b) Recommendation 4, "Direct the secretariats of the Joint Appeals Board to amend the rules of procedure to the effect that the presiding officer may give only one extension, of no more than one month, to the respondent to allow the respondent to prepare an initial reply. In case this deadline is not met, the presiding officer should determine whether the case can proceed without input from the respondent".

11. The secretariats of the Joint Appeals Board in New York, Geneva, Vienna and Nairobi are at various stages of amending their respective rules of procedure, within the context of their legislative processes, so as to bring them in line with the recommendations set out in annex III to the OIOS report.

12. The Joint Appeals Board secretariat in Geneva is currently revising its rules of procedure to reflect the recommendations concerning time limits set out in annex III to the OIOS report. It is expected that the new rules will be adopted by the new Board at its first plenary meeting to be held in October 2006. According to the proposed new rules of procedure, the Joint Appeals Board secretariat in Geneva expects that steps 4, 5 and 6 of annex III will be immediately put into practice. However, the time limit set out in step 7 of the annex will not be applied immediately in view of the existing backlog of cases. With respect to step 8 of the annex, the Joint Appeals Board secretariat in Geneva believes that in almost all

cases the time limit proposed will be complied with, but expressed concern that there might be cases which cannot be considered by a panel within two months.

13. In the case of the Joint Appeals Board secretariats in New York, Vienna and Nairobi, the rules of procedure have yet to be formally amended but those secretariats have, in practice, been adhering more or less to the time lines set out in annex III to the OIOS report. For example, during the second half of 2005, the Joint Appeals Board secretariat in New York adopted a series of interim measures restricting the time-limit extensions granted to the Administrative Law Unit for filing a respondent's replies to appeals filed before the end of 2005, as a first step towards the full implementation of the time limits for the appeals process. With respect to appeals filed after 1 January 2006, the Joint Appeals Board in New York has granted the Administrative Law Unit only one extension of no more than a month when the Unit is not able to file the respondent's replies within the statutory two months. Such requests for extension have been granted with the understanding that in the absence of compelling reasons, no further request would be entertained. In another measure to comply with the time limits, the Joint Appeals Board secretariat in New York regularly advises the parties of the need to comply with the stipulated time limits for submitting additional pleadings, with a warning that in case of failure to file observations and comments on time, their cases would be submitted for consideration by Joint Appeals Board panels on the basis of the original written presentations. As a result of those measures, the Administrative Law Unit has managed to file the vast majority of the respondents' replies for cases filed as of 1 January 2006 within the specified time limits.

B. Appearance of conflict of interest

14. In paragraph 17 of its resolution 59/283, the General Assembly decided that measures should be taken to eliminate the appearance of conflict of interest and to this end requested the Secretary-General to proceed with the transfer of the responsibility for formulating decisions on appeals from the Department of Management of the Secretariat to the Office of the Secretary-General. This decision derived from recommendation 14 of the OIOS report.

15. In considering the implementation of the request to transfer responsibility for formulating decisions on appeals, the following factors were taken into account:

(a) The number of appeals requiring a decision amount to some 80 to 90 cases per year;

(b) The statutory time limit for taking a decision on an appeal is 30 days;

(c) Decisions on requests for the suspension of action (which form part of the appellate process and amount to approximately 30 per annum) must be taken even faster, usually within one to two days from receipt of the report of the Joint Appeals Board, and sometimes on the same day;

(d) As the Assembly's request referred to only decisions on appeals and did not refer to decisions on disciplinary cases, decisions on the latter (ranging between twenty (20) and forty (40) cases per annum) would continue to be taken by the Under-Secretary-General for Management on behalf of the Secretary-General.

16. The conclusion reached in the light of consideration of the above factors was that the current composition, structure and work exigencies of the Office of the Secretary-General would make it impossible for that Office to carry out the important task entrusted to it by the Assembly within the statutory deadlines. Indeed, no capacity exists in the Office of the Secretary-General for taking over the decision-making process on 80 to 90 appeals annually.

17. In this respect, it was considered that should the transfer of responsibility proceed in the absence of the necessary capacity, the decision-making process would at best be inordinately delayed, or at worst grind to a halt. The resultant delays would have serious repercussions for the system of justice as a whole, as they would adversely affect not only the timely functioning of the system but also the appellants themselves and staff morale in general. Furthermore, the subsequent delays would increase the backlog of cases and expose the Organization to financial liability, as the Administrative Tribunal would, in accordance with its normal practice, award compensation for the delays and the Administration's lack of conformity with statutory deadlines. The consequence of those delays would be even more significant with regard to decisions on requests for suspension of action. The majority of those requests seek to "freeze" a decision to terminate or not renew the appointment of a staff member. The lack of timely decisions on such requests would be to the detriment of both the staff members and the Organization and would increase the risk of exposure to unnecessary damages in the absence of immediate relief granted when a staff member presents a strong prima facie case warranting suspension.

18. In the light of the above considerations, there was no alternative but for the Under-Secretary-General for Management to continue to exercise the competencies delegated to him by the Secretary-General in approving or rejecting recommendations from the Joint Appeals Board regarding appeals.

C. Training

19. In paragraph 10 of its resolution 59/283, the General Assembly called upon the Secretary-General to organize periodic training at each of the headquarters duty stations for all staff involved in the system of administration of justice. Focusing specifically on the Joint Appeals Board, the resolution further stressed, in paragraph 34, the importance of providing adequate training to the members of the Board. The need for a yearly two-day training course at each of the headquarters duty stations for all staff involved in the judiciary process was recognized by OIOS in recommendation 15 of its report.

20. Steps have been undertaken to implement those requests and provide appropriate training for staff involved in the administration of justice. Thus, all members of the Joint Appeals Board at New York Headquarters who were appointed in September 2005 attended a training session in November 2005. The training further included presentations by the members of the United Nations Administrative Tribunal. A total of 55 participants were registered. It is expected that the members of the Joint Appeals Board in New York will receive a similar training module in the fall of 2006. Similarly, the members of the Joint Disciplinary Committee in New York who were appointed in May 2006 attended a training course in June of the

same year. Both procedural issues and substantive matters pertaining to the Tribunal's jurisprudence were discussed.

21. In Geneva, the training for members of the Joint Appeals Board and Joint Disciplinary Committee is currently organized by their secretariats of those bodies at the beginning of each new mandate.

22. The Office of the Coordinator of the Panel of Counsel offers seminars and training sessions to the members of the Panel on a regular basis. Individual briefings and orientation sessions are also provided in accordance with each member's needs and requests. The Office of the Coordinator of the Panel of Counsel also offers training sessions to the staff at large to inform them of their rights and to encourage volunteerism. In 2005 and 2006, 12 seminars/training courses were offered covering a myriad of issues (for example, mediation, disciplinary proceedings; contracts and arbitration; investigation and fact-finding in sexual harassment complaints; question-and-answer sessions with judges of the Tribunal; professional ethics; and conflicts of interest).

23. The Office of Human Resources Management has taken steps to implement recommendation 15 of the OIOS report on the organization of a yearly two-day training course. The Office of Human Resources Management, in cooperation with the Office of the Under-Secretary-General for Management, and, if possible, the United Nations Development Programme and the United Nations Children's Fund will design a programme for the participants in the justice system as it currently exists. It is anticipated that the programme will be offered in the fourth quarter of 2006. The purpose of the programme will be to make the existing system more efficient pending consideration of the recommendations of the Redesign Panel.

D. Increasing staff participation in the Joint Appeals Board

24. In paragraph 30 of his report on the administration of justice in the Secretariat (A/59/449), the Secretary-General put forward the proposal to move from a recourse system that depends entirely on volunteers to a "jury system" for the Joint Appeals Board to address the delays resulting from the difficulty in identifying a sufficient pool of staff to serve on the Board. Pursuant to that proposal, the General Assembly requested the Secretary-General, in paragraph 8 of its resolution 59/283, to explore the implications of that option. In view of the establishment of the Redesign Panel by the same resolution, however, and pending the submission by the Secretary-General of his comments on the report of the Redesign Panel, the Secretariat considered that it would be premature, in the intervening period, to explore this option further.

E. Financial liability of managers

25. In paragraph 14 of its resolution 59/283, the General Assembly requested the Secretary-General to report on the implementation of the Secretary-General's bulletin on the financial liability of managers (ST/SGB/2004/14).

26. The first step taken by the Secretariat towards the implementation of ST/SGB/2004/14[1] was the issuance of an administrative instruction concerning the financial responsibility of staff members for gross negligence (ST/AI/2004/3), which sets out the specific procedures to be followed in cases of suspected gross negligence resulting in financial loss to the Organization. Section 1.3 of the administrative instruction defines "gross negligence" as "negligence of a very high degree involving an extreme and wilful or reckless failure to act as a reasonable person in applying or in failing to apply the regulations and rules of the Organization". Instances where a financial loss suffered by the Organization results from an inadvertent error, oversight or simple negligence, or inability to foresee the negative consequences of a chosen course of action are specifically excluded from the application of the procedures for recovery of monies lost. To date, no cases of gross negligence have been processed under the new procedures.

III. Formal mechanisms of the administration of justice

27. By its resolution 59/283, the General Assembly requested the Secretary-General to implement measures aimed at improving the different components of the formal mechanism of the administration of justice. Measures taken in this respect by the Panel of Counsel, the Administrative Law Unit, the Joint Appeals Board and the United Nations Administrative Tribunal are described in detail below.

A. Panel of Counsel

28. In recommendation 13 of its report, OIOS recommended that consideration be given to the addition of a Professional post to the Panel of Counsel in New York, the incumbent of which would also provide support to the panels of counsel in the other headquarters duty stations. Pursuant to that recommendation, general temporary assistance funds were approved for a P-4 Legal Officer under the proposed budget for the support account for peacekeeping operations for the period 1 July 2005 to 30 June 2006 and for the period 1 July 2006 to 30 June 2007. Those funds have been used to recruit five part-time Legal Officers (who have advised on 118 cases during the first year) and one consultant tasked with the development and maintenance of a database of all cases submitted to the Panel of Counsel in New York (252 new cases for the period July 2005-June 2006).

29. In paragraph 28 of resolution 59/283, the General Assembly requested the Secretary-General to consider the inclusion of travel costs in section 28 A, Office of the Under-Secretary-General for Management, for the Coordinator of the Panel of Counsel to conduct outreach activities. A proposal for travel costs to three duty stations was submitted to the Advisory Committee on Administrative and Budgetary Questions, which concluded that the costs for such outreach activities should be found within existing resources. To date, no additional resources have been made available for travel costs for the purpose stated above. However, the Coordinator of

[1] ST/SGB/2004/14 amended to staff rule 112.3 to read: "Any staff member may be required to reimburse the United Nations either partially or in full for any financial loss suffered by the United Nations as a result of the staff member's gross negligence or of his or her having violated any regulation, rule or administrative instruction."

the Panel of Counsel in New York has continued to provide an extensive training programme as part of the outreach activities (see para. 22 above).

B. Administrative Law Unit

30. In order to advance the cooperation of managers in the appeals process and improve managers' accountability, the General Assembly requested the Secretary-General, in paragraph 32 of resolution 59/283, to ensure that written explanations by managers to the Administrative Law Unit are submitted within eight weeks with no possibility of extension, and decided that compliance with that responsibility should constitute part of the performance appraisal of managers. In paragraph 33 of the same resolution, the General Assembly further decided to amend staff rule 111.2 (a) to provide that staff wishing to appeal an administrative decision should submit to the executive head of their department, office, fund or programme a copy of a letter addressed to the Secretary-General requesting a review of the case. Similar provisions were contained in recommendations 2 and 3 of the OIOS report.

31. Further to the General Assembly's requests, staff rule 111.2 (a) was amended, effective 1 January 2006, to provide that staff members wishing to appeal an administrative decision should, as a first step, address a letter to the Secretary-General and send a copy to the executive head of the staff member's department, office, fund or programme requesting that the administrative decision be reviewed. In addition, with effect from June 2005, the Office of Human Resources Management routinely informs managers of (a) the requirements for the conduct of administrative reviews; (b) their responsibility for justifying a contested decision, to be included in the respondent's reply; and (c) the time frame for both administrative review and submission of their comments. The question of how to implement the General Assembly's decision that the compliance of managers with their responsibility in the appeals process should be included in their performance appraisal will be taken up in the review of the performance appraisal system in 2007.

32. In paragraph 30 of resolution 59/283, the General Assembly requested the Secretary-General to present proposals to separate the functions of the Administrative Law Unit (administrative review, appeals, disciplinary matters and advisory services) through the redeployment of resources in order to avoid a conflict of interest. The report of the Secretary-General on administration of justice in the Secretariat (A/59/883) addresses that request. It should also be noted that the matter will be revisited in the light of the recommendations contained in the report of the Redesign Panel and included in the comments of the Secretary-General thereon.

33. The staffing situation in the Administrative Law Unit and the need for additional staff to reduce delays in the preparation of the respondent's replies, were the object of recommendations 5 and 8 of the OIOS report. Following the approval of an additional P-3 post, a staff member was recruited effective 1 September 2006. An assessment of the impact of the additional Legal Officer will be made within six months of the filling of the post.

34. In recommendation 5 of its report, OIOS requested the Department of Management to consider the need to amend the Staff Rules to the effect that the Secretary-General shall approve by default the appellant's access to the United Nations Administrative Tribunal should the respondent fail to respond within the

prescribed time frame. Insofar as the failure to submit the respondent's reply in a timely manner, as indeed noted by OIOS in its report, is mainly a question of insufficient resources, additional resources may be a proper solution. In addition and in order to avoid frequent changes to the Staff Rules, it is expected that the issue of whether or not an amendment to the Staff Rules should be introduced will be revisited in the light of the recommendations contained in the report of the Redesign Panel and the Secretary-General's comments thereon, to be transmitted to the General Assembly at its sixty-first session.

C. Joint Appeals Board

35. Several recommendations made by OIOS in its report focused on the secretariats of the Joint Appeals Board. Those recommendations concerned amendments to the rules of procedure, adequate capacity, annual meetings and electronic tracking systems. Measures taken towards the implementation of those recommendations are set out below.

Amendments to the rules of procedure

36. Three of the recommendations referred to in paragraph 35 above read as follows:

> "(a) Recommendation 4: Direct the secretariats of the Joint Appeals Board to amend the rules of procedure to the effect that the presiding officer may give only one extension, of no more than one month, to the respondent to allow the respondent to prepare an initial reply. In case this deadline is not met, the presiding officer should determine whether the case can proceed without input from the respondent;
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> "(b) Recommendation 6: Direct the secretariats of the Joint Appeals Board to amend the rules of procedure of the Board to the effect that pleadings should consist of the respondent's reply, the appellant's observations and, if needed, one additional set of comments from the respondent and one final statement from the appellant. If deadlines are not strictly observed, a case may be declared abandoned or proceed on the basis of available information;
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> "(c) Recommendation 7: Direct the secretariats of the Joint Appeals Board to amend the rules and procedure of the Board to authorize the presiding officer to place a case at the front of the queue when it concerns the non-renewal of contract, as protracted delays cause undue hardship given the financial implications of unemployment."

37. As reported in paragraphs 11 and 12 above, the Joint Appeals Board secretariats in New York, Geneva, Vienna and Nairobi are at various stages of reviewing their respective rules of procedure for amendment, within the context of their legislative processes, so as to bring them in line with the recommendations made by OIOS and as set out in annex III to its report. While the rules of procedure of the JAB secretariats in New York, Geneva, Vienna and Nairobi have yet to be formally amended, the secretariats have, in practice, been adhering more or less to the time lines set out in annex III of the OIOS report.

38. Recommendation 7 was not accepted by the Secretariat, as mentioned already in the OIOS report, because a significant number of cases concern the non-renewal

of contracts, and giving priority would be unfair to those appellants who not only filed their claims earlier but also consider their claims to be just as legitimate as claims relating to non-renewal of contracts.

Adequate capacity

39. In recommendation 9 of its report, OIOS recommended sustaining the current effort to provide additional capacity to the secretariat of the New York Joint Appeals Board from temporary assistance funds to clear its backlog and adding a Professional post at the P-3 level to prevent the accumulation of a new backlog. OIOS also recommended regularizing the temporary arrangement to provide a full-time presiding officer and to make use of the provided powers of the presiding officer to streamline the work of the Board.

40. The proposed budget for the support account for peacekeeping operations for the period 1 July 2006 to 30 June 2007 includes funds for the continuation of the post of Legal Officer at the P-3 level, which was initially approved in the context of the peacekeeping support account for the period 1 July 2005 to 30 June 2006. Further, the proposed programme budget for the biennium 2006/2007 approved the request to establish one P-5 post in the secretariat of the New York Joint Appeals Board to implement the recommendation pertaining to a full-time presiding officer. Since the term of office of the current presiding officer of the Joint Appeals Board expires at the end of October 2006, and in order to fill the post, a letter was sent to all Joint Appeals Board Chairpersons on 2 June 2006 asking them to nominate either themselves or others for that post.[2] No response has been received as of the writing of the present report. It should also be noted in this context that as the overwhelming majority of the current chairpersons (16 out of 22) are at the level of Director, the pool of available and eligible chairpersons who could be considered for the post of full-time presiding officer of the Joint Appeals Board is rather limited.

41. In recommendation 10, OIOS recommended strengthening the current staffing of the Board secretariat in Geneva by upgrading one P-2 post to the P-3 level and allowing for the creation of a Deputy Secretary post that was not subject to biannual rotation, thereby increasing institutional stability and productivity. OIOS also recommended allocating general temporary assistance funding until the backlog was eliminated. In that respect, a request for the reclassification of one P-2 post to accommodate the post of Deputy Secretary at the P-3 level was approved by the General Assembly in the context of the proposed programme budget for the biennium 2006-2007, and it is expected that the vacancy announcement will be issued before the end of the year. In addition, general temporary assistance funds have been used to recruit two legal officers to eliminate the backlog. However, due to the considerable increase in Joint Disciplinary Committee cases, it will be necessary to extend the employment of the two legal officers in 2007.

42. In recommendation 11, OIOS recommended the establishment of a full-time post of Secretary at the P-3 level for the Vienna Joint Appeals Board, together with a part-time position of administrative assistant. In that respect, one P-3 post and one G-4 post were approved by the General Assembly in the context of the proposed programme budget for the biennium 2006-2007. The vacancy announcement for the

[2] According to staff rule 111.1 (e), only a Joint Appeals Board chairperson may become a presiding officer of the Board.

P-3 post has been issued and the selection of incumbents is expected to be finalized shortly.

43. With respect to the Joint Appeals Board in Nairobi, recommendation 12 was recommended to reinforce its secretariat capacity with an associate expert to address the current backlog. In that respect, funds have been made available for an associate expert. In addition, a request for general temporary assistance funds has been approved in the context of the proposed programme budget for the period 2006-2007 to address the elimination of the backlog. OIOS also recommended that the Joint Appeals Board in Nairobi expand its jurisdiction to include the Economic Commission for Africa. Such an expansion would require a change in the rules of procedure and in staff rule 111.2 (d) and will be revisited in the context of consideration of the recommendations made by the Redesign Panel. Three additional measures were detailed in recommendation 12: (a) to establish case-tracking and planning systems; (b) to expand the Joint Appeals Board membership from 24 to 36 to facilitate the establishment of a panel; and (c) to ensure that its Secretary is not assigned to functions that could create a conflict of interest with his core duties. The first measure has been implemented, as described in paragraph 48 below. In addition, a plan to address the backlog has been developed. Since then, the backlog has been significantly decreased. Since the current membership terms of office of the Joint Appeals Board expire at the end of October, the second measure will be implemented in the context of the nomination of new members. The third measure has been fully implemented.

Annual meeting

44. In recommendation 16, OIOS recommended instructing the Under-Secretary-General for Management in New York and the Directors-General of the other headquarters duty stations to convene an annual meeting with the members of the local Joint Appeals Board and Joint Disciplinary Committee, officials acting for the respondent and the Panel of Counsel. A meeting involving the new members of the Joint Appeals Board/Joint Disciplinary Committee in New York was convened in October 2005. In 2006, the meeting in New York will be held in the context of the yearly training course organized by the Office of Human Resources Management which is referred to in paragraph 23 above.

45. With respect to the annual meeting at other headquarters duty stations, in Geneva the holding of such a meeting can only be concretized once the new members of the Joint Appeals Board/Joint Disciplinary Committee have taken up their mandate. However, the annual meeting will be discussed at the first plenary meeting of the newly established Joint Appeals Board/Joint Disciplinary Committee in October 2006 and will be organized according to the availability of the Director-General. In Vienna, following the appointment of the new members of the Joint Appeals Board/Joint Disciplinary Committee in January 2006, a meeting was held by the designated official of the Director-General of the United Nations Office at Vienna/United Nations Office on Drugs and Crime. In Nairobi, the new Director-General of the United Nations Office at Nairobi will be requested to convene such a meeting.

Electronic tracking systems

46. In recommendation 17, OIOS recommended instructing the four secretariats of the Joint Appeals Board to adopt a standardized electronic tracking system with sufficient information on expected deadlines and actual data in the appeals process. If established, the new tracking system should be able to provide all the information necessary for the regular monitoring of trends in the appeals process and be accessible to all parties concerned. In recommendation 18, it recommended developing a password-protected electronic system to allow staff to ascertain the status of their appeals.

47. The secretariat of the Joint Appeals Board/Joint Disciplinary Committee in New York has upgraded and expanded the scope of its appeals database, which now contains information on expected deadlines and other important data as a tracking device to better monitor the status of each appeal. The work is in progress to construct a similar database for disciplinary cases. The secretariat of the Joint Appeals Board in New York also maintains an Internet website at www.un.org/jab. Appellants and others who are interested can access it from around the world to obtain general information about the appeals process and basic information about the status of their appeals. For purposes of confidentiality, the website displays an appeal by number only and not by name.

48. The Joint Appeals Board in Geneva has its own tracking system which contains all necessary information concerning the status of each appeal. Lack of adequate capacity in the context of the budget for the biennium 2006-2007 however, has prevented the implementation of the recommendation pertaining to the development of a password-protected electronic system allowing staff to ascertain the status of their appeals. In Vienna, the secretariat of the Joint Appeals Board plans to upgrade and expand its existing tracking system to monitor cases once the Secretary (P-3) and the Administrative Assistant approved by the General Assembly are recruited. As recommended by OIOS, the new system will allow appellants to follow up their cases online. Finally, in Nairobi, an electronic tracking system with data on each appeal and on expected deadlines has been established. The new system allows staff to ascertain the status of their appeals through the use of a password-protected electronic system.

D. United Nations Administrative Tribunal

49. The General Assembly, in paragraph 36 of its resolution 59/283, endorsed the proposal of the Secretary-General to transfer the resources of the Tribunal from section 8, Legal affairs, of the proposed programme budget to section 1, Overall policymaking, direction and coordination. The transfer of the resources of the Administrative Tribunal was implemented on 1 January 2006.

50. The General Assembly requested the Secretary-General, in paragraph 37 of its resolution 59/283, to guarantee the immediate independence of the Tribunal, including through ensuring the provision of administrative and logistical services that are exclusive to the secretariat of the Tribunal. To comply with that request, the secretariat submitted a proposal to the Advisory Committee on Administrative and Budgetary Questions (see A/60/303) to establish a separate administrative office for the Tribunal, comprising one post for an Administrative Officer at the P-3 level and one General Service post for an Administrative Assistant to deal with financial and

personnel matters of the Tribunal secretariat and with the provision of logistical services and support to the Tribunal while it is in session. In its report on administration of justice in the secretariat, the Advisory Committee rejected this proposal (see A/60/7/Add.1). In accordance with the recommendation of the Advisory Committee, the Executive Office of the Office of the Secretary-General now provides the personnel services for the secretariat of the Tribunal.

51. The General Assembly, in paragraph 40 of its resolution 59/283, decided to amend article 3, paragraph 1, of the statute of the Tribunal with effect from 1 January 2006. This measure was implemented and as of 1 January 2006, the requirement in article 3, paragraph 1, of the statute of the Tribunal that members shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within their national jurisdiction was amended to read members shall possess judicial experience in the field of administrative law or its equivalent within their national jurisdiction. The amendment to article 3 will be applied to the election of the new members of the Tribunal. Pursuant to paragraph 42 of resolution 59/283, once all the members of the Tribunal meet the criteria of amended article 3 of the statute, the Secretary-General will submit proposals on their compensation.

52. The General Assembly, in paragraph 46 of its resolution 59/283, requested the Tribunal to review the rules, practices and procedures of similar tribunals with a view to enhancing effective management of caseloads. Since a similar exercise was being undertaken by the Administrative Tribunal of the Asian Development Bank, the Tribunal decided to await the outcome thereof before commencing its review of the rules, practices and procedures of similar tribunals. The Asian Development Bank review has recently been completed, and the Tribunal is now in a position to hold its own review, incorporating the relevant findings of the Bank's review.

IV. Conclusion

53. Although the present report sets out the situation with respect to the implementation of decisions and requests contained in resolution 59/283, the Secretary-General invites the General Assembly to note that the measures taken to strengthen the system of the administration of justice in the Secretariat may be subject to further change resulting from any decisions made by the General Assembly on the report of the Redesign Panel.